

## CHAPTER 36. MICHIGAN VETERANS' FACILITY

### MICHIGAN VETERANS' FACILITY

#### Act 152 of 1885

AN ACT to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1958, Act 142, Imd. Eff. Apr. 18, 1958;—Am. 1982, Act 391, Eff. Mar. 30, 1983.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

*The People of the State of Michigan enact:*

#### 36.1 State Veterans' Facility of Michigan; establishment.

Sec. 1. That there shall be established in this state an institution under the name and style of the "State Veterans' Facility of Michigan," and whenever reference is made in the laws of this state to the "Michigan Soldiers' Home," reference shall be deemed to be made to the "Michigan Veterans' Facility."

**History:** 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984a;—CL 1897, 2055;—CL 1915, 1667;—CL 1929, 782;—Am. 1945, Act 94, Eff. Sept. 6, 1945;—CL 1948, 36.1.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

**Transfer of powers:** See MCL 16.528.

#### 36.2 Repealed. 2011, Act 283, Eff. Jan. 1, 2012.

**Compiler's note:** The repealed section pertained to appointment, qualifications, and terms of members of board of managers.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

#### 36.2a Michigan veterans' facility; general supervision and government by board of managers; membership; qualifications; appointment; terms; oath of office; removal; compensation; vacancy; definitions.

Sec. 2a. (1) The general supervision and government of the Michigan veterans' facility is vested in a board of managers consisting of 7 members. Each member shall have demonstrated knowledge, skills, and experience in public health, business, or finance. Members shall be appointed as follows:

(a) One representative of the American Legion.

(b) One representative of the Veterans of Foreign Wars of the United States.

(c) One representative of the Disabled American Veterans.

(d) One representative of any other congressionally chartered veterans' organization other than those organizations identified in subdivision (a), (b), or (c).

(e) Three members who are veterans, who may or may not be a member of 1 or more congressionally chartered veterans' organizations, but shall not represent any congressionally chartered veterans' organization of which they are a member.

(2) The members shall be appointed by the governor by and with the advice and consent of the senate. Each member shall hold office for the term of 3 years from the time of his or her appointment and shall continue to hold office at the pleasure of the governor. The members enumerated in subsection (1)(a), (b), (c), and (d) shall be appointed by the governor from a list of at least 3 individuals recommended by each respective organization.

(3) Each member of the board shall qualify by taking and filing the constitutional oath of office.

(4) The governor may remove any member of the board for misfeasance, malfeasance, or nonfeasance in office, after hearing. Missing 3 or more consecutive meetings shall be considered malfeasance and is grounds for removal.

(5) Members of the board shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in attending scheduled meetings of the board of managers in accordance with the accounting laws of this state.

(6) If a vacancy occurs during the term of office of a member of the board of managers, the member's successor shall be selected from the same organization and in the same manner as the original appointment for the balance of the unexpired term.

(7) As used in this act:

(a) "Board" means the board of managers of the Michigan veterans' facility created in this section.

(b) "Veteran" means an individual who meets both of the following:

(i) Is a veteran as defined in section 1 of 1965 PA 190, MCL 35.61.

(ii) Was honorably discharged.

**History:** Add. 2011, Act 283, Eff. Jan. 1, 2012;—Am. 2016, Act 213, Eff. Sept. 20, 2016.

**Compiler's note:** For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

### **36.6 Board of managers; expenses; reimbursement.**

Sec. 6. Each member of the board is entitled to reimbursement of expenses from the appropriations to the facility in accordance with the accounting laws of this state.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984f;—Am. 1889, Act 103, Imd. Eff. May 21, 1889;—CL 1897, 2057;—CL 1915, 1669;—Am. 1925, Act 265, Imd. Eff. May 13, 1925;—CL 1929, 784;—CL 1948, 36.6;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1963, Act 101, Eff. Sept. 6, 1963;—Am. 1975, Act 58, Imd. Eff. May 20, 1975;—Am. 2011, Act 283, Eff. Jan. 1, 2012.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

### **36.7 Board of managers; meetings; election and terms of officers; appointment of administrator; conducting business at public meeting; notice.**

Sec. 7. (1) The board of managers shall meet annually at a facility and shall elect a chairperson, a chairperson pro tempore, a secretary, a treasurer, and a clerk, who shall hold office for 1 year and until a successor is elected and qualified. However, instead of electing a treasurer and a clerk, the board of managers may appoint the administrator of the facilities to perform the duties of the treasurer and the clerk and other duties prescribed by the board.

(2) The business that the board of managers may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984g;—CL 1897, 2058;—CL 1915, 1670;—CL 1929, 785;—CL 1948, 36.7;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1978, Act 157, Imd. Eff. May 22, 1978;—Am. 2011, Act 283, Eff. Jan. 1, 2012.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

### **36.8 Board of managers; meetings; preparation, review, and revision of system of government.**

Sec. 8. The board of managers shall meet not less than once every 3 months. The board of managers shall prepare, review, and revise a system of government for the homes, which shall include all rules, regulations, and laws necessary for effective management and preserving the health of the disabled veterans admitted to the home.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984h;—CL 1897, 2059;—CL 1915, 1671;—CL 1929, 786;—CL 1948, 36.8

;—Am. 2011, Act 283, Eff. Jan. 1, 2012.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

### **36.9 Report to governor and legislative committees; information concerning state veterans' facility; placement of report on public website.**

Sec. 9. (1) No later than January 1, April 1, July 1, and October 1 of each year, the Michigan veterans affairs agency, its successor agency, or the department of military and veterans affairs shall report in writing all of the following information concerning any state veterans' facility to the governor, the senate and house committees on veterans affairs, and the senate and house appropriations subcommittees for the department of military and veterans affairs:

(a) Staffing levels and the extent to which staffing levels do or do not meet industry standards.

(b) Number of patient complaints, average time to review a complaint and respond, and response to each complaint.

(c) Timeliness of distribution of pharmaceutical drugs.

(d) Security provided for pharmaceutical drugs in the facility, including the title of the individuals providing the security.

(e) How patient money is accounted for, including the name and title of the individual who supervises patient spending accounts.

(f) Number of facility resident deaths that occurred since the most recent report.

(2) The department of military and veterans affairs shall place the reports required under subsection (1) on its public website in a prominent and conspicuous manner.

**History:** Add. 2016, Act 314, Eff. Jan. 24, 2017.

**Compiler's note:** Former MCL 36.9, which pertained to inspection of institution by member of board, was repealed by Act 283 of 2011, Eff. Jan. 1, 2012.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

### **36.10 Repealed. 2011, Act 283, Eff. Jan. 1, 2012.**

**Compiler's note:** The repealed section pertained to appointment or removal of commandant for home.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

### **36.11 Veterans' facility; eligibility for admission; maintenance charges; dismissal; creation of veterans' facilities operation fund; credit of money to fund; expenditures; assignment of money to board of managers as condition of admission; expenditure of assigned money; creation of posthumous fund; expenditures.**

Sec. 11. (1) A veteran of the armed forces of the United States eligible for United States department of veterans affairs' health care or financial assistance for long-term nursing or day care may be admitted to a veterans' facility in this state that is established under this act. Nothing in this section prevents the board of managers from admitting to membership in a facility any applicant otherwise qualified, but who has adequate means of support and is not dependent upon public or private charity, provided that the applicant, as a condition of admission, pays to the board of managers in advance, or at those times as may be fixed by the board of managers, for the use and benefit of the state a sum for his or her support as the board of managers determines to be proper. The board of managers shall annually determine the per diem expense of maintenance of members in the facilities and shall require any member who has adequate means of support or sufficient property or income, to pay the board of managers in full for the expenses of maintenance. All members in the facilities shall be charged in the first instance with the maintenance, which shall be collected either in whole or in part, if the member has sufficient property or income, but otherwise the board of managers may remit the per diem charge either in whole or in part. The maintenance charges as determined by the board of managers shall be paid to the adjutant of the facilities in advance not later than the fifth day of each month. Failure to comply with a condition shall be cause for dismissal from a facility.

(2) There is created a veterans' facilities operation fund in the state treasury. Except as provided by subsection (3), money received under this section and from the veterans' administration in direct payment for

services to members of the facilities established under this act shall be turned over to the state treasury and credited to the veterans' facilities operation fund. Money in the veterans' facilities operation fund shall be expended only for the operation of the facilities established under this act.

(3) The board of managers of the facilities may make a condition for admission to a facility that all applicants shall assign to the board of managers any balance of money accumulated while a member of the facility, or due to the applicant or on deposit with any bank, trust company, corporation, or with any individual, at the time of the death of the applicant. All such sums shall first be expended to pay for all residual maintenance costs attributable to the deceased individual and shall then be paid to the wife, minor children, or dependent mother or father, in the order named. If no such relative shall be found within a period of 2 years, or if no claim for the sums has been made within a period of 2 years, the balance of the money shall be paid into the posthumous fund, which is hereby created by this subsection. The posthumous fund shall be expended as prescribed by 1905 PA 313, MCL 36.61.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984k;—Am. 1891, Act 44, Imd. Eff. Apr. 29, 1891;—CL 1897, 2062;—Am. 1899, Act 62, Imd. Eff. May 2, 1899;—Am. 1901, Act 25, Imd. Eff. Mar. 26, 1901;—Am. 1907, Ex. Sess., Act 2, Imd. Eff. Oct. 24, 1907;—Am. 1915, Act 49, Eff. Aug. 24, 1915;—CL 1915, 1674;—Am. 1919, Act 238, Eff. Aug. 14, 1919;—CL 1929, 789;—Am. 1931, Act 291, Imd. Eff. June 8, 1931;—Am. 1933, Act 231, Imd. Eff. July 6, 1933;—Am. 1934, 1st Ex. Sess., Act 17, Imd. Eff. Mar. 28, 1934;—Am. 1945, Act 94, Eff. Sept. 6, 1945;—CL 1948, 36.11;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1958, Act 186, Eff. Sept. 13, 1958;—Am. 1982, Act 391, Eff. Mar. 30, 1983;—Am. 2010, Act 341, Imd. Eff. Dec. 21, 2010.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

### **36.11a Repealed. 1982, Act 391, Eff. Mar. 30, 1983.**

**Compiler's note:** The repealed section pertained to gifts to veterans' facility.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

### **36.11b Creation of post fund; expenditures.**

Sec. 11b. Each gift received by the board of managers and which specifically provides that the gift is not for the use and benefit of the state shall be paid into the post fund, which is hereby created by this section. The post fund shall be expended as prescribed by Act No. 313 of the Public Acts of 1905, being section 36.61 of the Michigan Compiled Laws.

**History:** Add. 1915, Act 49, Eff. Aug. 24, 1915;—CL 1915, 1676;—CL 1929, 791;—CL 1948, 36.11b;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1982, Act 391, Eff. Mar. 30, 1983.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

### **36.11c Property of member; board may receive and hold in trust.**

Sec. 11c. The board of managers or any officer or employee duly authorized by them may receive money, property or effects belonging to any member of the facility and hold same in trust, to be disposed of as directed by such member. Any balance of such money, property or effects remaining in trust at the time of his discharge from the facility shall be accounted for and paid to such member.

**History:** Add. 1952, Act 123, Eff. Sept. 18, 1952.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

### **36.12 Method of drawing and accounting for money from state treasury prescribed.**

Sec. 12. The method of drawing money from the state treasury and accounting for the same, shall be similar to that now in force with other state institutions as prescribed by the general law.

**History:** 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984-1;—CL 1897, 2063;—CL 1915, 1677;—CL 1929, 792;—CL 1948, Rendered Friday, February 3, 2017

36.12.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of duties, responsibilities, and powers to provide assistance to state veterans home board of managers in administration of facilities from department of military and veterans affairs to Michigan veterans affairs agency, see E.R.O. No. 2013-2, compiled at MCL 32.92.

**DORMITORY FOR EX-NURSES AND DEPENDENTS**  
**Act 212 of 1893**

**36.21-36.28 Repealed. 1952, Act 123, Eff. Sept. 18, 1952.**

## WIDOWS, WIVES, AND MOTHERS Act 15 of 1921

AN ACT prescribing the qualifications for admission to the veterans' facility for the widows, widowers, former spouses, spouses, and parents of former members of the armed forces of the United States; and repealing all acts and parts of acts inconsistent herewith.

**History:** 1921, Act 15, Imd. Eff. Mar. 30, 1921;—Am. 1952, Act 94, Eff. Sept. 18, 1952;—Am. 1982, Act 180, Imd. Eff. June 14, 1982.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

### **36.31 Veterans' facility; qualifications and conditions for admission of widows, widowers, former spouses, and spouses of members of armed forces; admission of parents.**

Sec. 1. (1) The qualifications for admission to residence in a veterans' facility for the widows, widowers, former spouses, and spouses of any member of the armed forces of the United States who was honorably discharged, shall be as follows: The widow, widower, former spouse, or spouse, of any member of the armed forces of the United States who was honorably discharged from the armed forces, who served in the Mexican war, the war of the rebellion, the Spanish-American war, the war in the Philippines, the first world war, the second world war, or in any other war, campaign, or expedition in which the armed forces of the United States have been, are, or may be, participants, for not less than 90 days shall be eligible for admission into a veterans' facility. However, in the case of the widows, widowers, former spouses, and spouses, the former spouse, spouse, widower, or widow shall be at least 60 years of age at the time of making application for admission. Any former spouse, spouse, widower, or widow of any of the veterans of any class mentioned who has established residency in this state at the time of making his or her application for admission and who is disabled or unable to earn a living may be eligible for admission notwithstanding the limitations otherwise provided for in this section. If any widow, widower, or former spouse who may be eligible for membership under his or her first spouse should remarry, he or she will forfeit all rights to a veterans' facility and cannot again claim membership under his or her first spouse.

(2) The board of managers of the veterans' facilities may prescribe as a condition for admission that all applicants be charged maintenance in the same manner as members who qualify for membership as former members of the armed forces of the United States, which maintenance shall be paid to the adjutant of the veterans' facilities in advance, not later than the fifth day of each month. Failure to comply with any condition shall be cause for dismissal from a veterans' facility. The money received shall be turned over to the state treasury and credited to the veterans' facilities operations fund. The board of managers of the veterans' facilities also may make a condition for admission to the veterans' facilities that all applicants shall assign to the board of managers any balance of money accumulated while a member of a facility or on deposit with any bank, trust company, corporation, or individual at the time of the death of the applicant. All sums shall be paid to the spouse, minor children, or dependent mother or father, in the order named, and, if no such relative shall be found within a period of 2 years, or if no claim has been made within a period of 2 years, the balance of any money shall be paid into a fund in the hands of the adjutant of the veterans' facilities to be expended under the direction of the board of managers to improve the service of the veterans' facilities.

(3) The parent of any member of the armed forces of the United States who was honorably discharged from the armed forces who served in any of the wars described in subsection (1) may be admitted upon the approval of the board of managers, under rules and conditions as the board may prescribe.

**History:** 1921, Act 15, Imd. Eff. Mar. 30, 1921;—CL 1929, 797;—Am. 1933, Act 232, Imd. Eff. July 6, 1933;—CL 1948, 36.31;—Am. 1952, Act 94, Eff. Sept. 18, 1952;—Am. 1958, Act 188, Eff. Sept. 13, 1958;—Am. 1982, Act 180, Imd. Eff. June 14, 1982;—Am. 1982, Act 392, Eff. Mar. 30, 1983.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

### **36.32 Construction of act.**

Sec. 2. This act shall be construed as supplemental to any and all acts relating to the Michigan soldiers' home and to the home for the widows, wives and mothers established in connection therewith.

**History:** 1921, Act 15, Imd. Eff. Mar. 30, 1921;—CL 1929, 798;—CL 1948, 36.32.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

## **DISCIPLINE AND GOVERNMENT**

### **Act 90 of 1895**

**36.41-36.43 Repealed. 2011, Act 283, Eff. Jan. 1, 2012.**



## **GUARDIAN FOR MEMBERS**

### **Act 54 of 1901**

AN ACT to provide for the appointment of a guardian for members of the Michigan Soldiers' Home in certain cases.

**History:** 1901, Act 54, Imd. Eff. Apr. 9, 1901.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

#### **36.51 Appointment of commandant as guardian of member.**

Sec. 1. When, in the opinion of a majority of the board of managers of the Michigan soldiers' home, it is necessary that a guardian shall be appointed for any member of said home, the judge of probate of Kent county may, upon application being made to him, appoint the commandant of the Michigan soldiers' home to the office of said guardian.

**History:** 1901, Act 54, Imd. Eff. Apr. 9, 1901;—CL 1915, 1686;—CL 1929, 804;—CL 1948, 36.51.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

#### **36.52 Commandant as guardian; execution of bond.**

Sec. 2. The board of managers of said home shall require from the commandant a good and sufficient bond for the faithful performance of his duties as such guardian, and upon a satisfactory showing being made to the judge of probate that such bond has been executed, he shall not require a further bond to be given.

**History:** 1901, Act 54, Imd. Eff. Apr. 9, 1901;—CL 1915, 1687;—CL 1929, 805;—CL 1948, 36.52.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

#### **36.53 Appointment of commandant as guardian; record.**

Sec. 3. Whenever said board of managers deem it necessary that a guardian be appointed for any member of the Michigan soldiers' home the action taken in the matter by them shall be a matter of record upon the clerk's minutes of the proceedings of said board.

**History:** 1901, Act 54, Imd. Eff. Apr. 9, 1901;—CL 1915, 1688;—CL 1929, 806;—CL 1948, 36.53.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

#### **36.54 Commandant as guardian; compensation, expenses.**

Sec. 4. The commandant of said home shall receive no fees or allowances as compensation for his services as such guardian, but actual reasonable expenses incurred in the execution of his trust may be allowed.

**History:** 1901, Act 54, Imd. Eff. Apr. 9, 1901;—CL 1915, 1689;—CL 1929, 807;—CL 1948, 36.54.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

#### **36.55 Commandant as guardian; delivery of trust and property to successor.**

Sec. 5. When, from any cause, the commandant of said home shall cease to hold the office of commandant, his trust as guardian of any member of said home shall also cease, and he shall turn over to his successor in office all property in his hands belonging to his wards, members of the Michigan soldiers' home, and said successor shall, ex officio, become the guardian of said wards, subject to the same conditions as would be



required had he been originally appointed guardian of said wards.

**History:** 1901, Act 54, Imd. Eff. Apr. 9, 1901;—CL 1915, 1690;—CL 1929, 808;—CL 1948, 36.55.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

**POST AND POSTHUMOUS FUNDS**  
**Act 313 of 1905**

AN ACT to provide for the disposition of the money now or hereafter accumulated in the “post fund” and the “posthumous fund” of the Michigan soldiers' home.

**History:** 1905, Act 313, Imd. Eff. June 17, 1905.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

**36.61 Post fund and posthumous fund; expenditure by board of managers.**

Sec. 1. The money on hand in the post fund and in the posthumous fund of the Michigan soldiers' home, and such money as may hereafter accumulate in said funds, may be expended by the board of managers of said home, in furnishing the new hospital, and for such other purposes for the benefit of the said home and the inmates thereof, as the said board of managers may, in its discretion, determine.

**History:** 1905, Act 313, Imd. Eff. June 17, 1905;—CL 1915, 1691;—CL 1929, 809;—CL 1948, 36.61.

**Compiler's note:** For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

**EXECUTIVE REORGANIZATION ORDER**  
**E.R.O. No. 1991-7**

**36.71 Transfer of powers and duties of the state veterans' facilities and the board of managers from the department of public health to the department of military affairs.**

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Michigan's commitment to provide care for its veterans started with the establishment of the Michigan Soldiers' Home on December 30, 1886; and

WHEREAS, the Michigan Veterans' Facility in Grand Rapids, and the D.J. Jacobetti Michigan Veterans' facility in Marquette, have evolved as the statutorily established successor institutions to the original Michigan Soldiers' Home; and

WHEREAS, these facilities were established to provide care and services exclusively for former members of the armed forces of the United States, in the State of Michigan and certain members of their families; and

WHEREAS, the Michigan Veterans' Facilities were, until September 1, 1991, administered by the Department of Public Health; and

WHEREAS, on January 17, 1991, Executive Reorganization Order No. 1991-6 was issued transferring the Michigan Veterans' Facilities from the Department of Public Health to the Department of Military Affairs; and

WHEREAS, on January 18, 1991, Executive Reorganization Order No. 1991-7 was issued, superseding Executive Reorganization Order 1991-6; and

WHEREAS, it is now necessary to amend and restate Executive Reorganization Order No. 1991-7; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

(1) All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting and procurement and management-related functions, of the State Veterans' Facilities of Michigan and the Board of Managers created under Act 152 of the Public Acts of 1885, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws and associated functions under Act 15 of the Public Acts of 1921, as amended, being Sections 36.31 and 36.32 of the Michigan Compiled Laws, Act 90 of the Public Acts of 1895, being Sections 36.42 and 36.43 of the Michigan Compiled Laws, Act 54 of the Public Acts of 1901, being Sections 36.51 to 36.55 of the Michigan Compiled Laws and Act 313 of the Public Acts of 1905, being Section 36.61 of the Michigan Compiled Laws have been transferred from the Department of Public Health to the Department of Military Affairs by Type I transfer as defined by Section 3 of Act 380 of the Public Act of 1965, being Section 16.103 of the Michigan Compiled Laws.

(2) The Adjutant General as head of the Department of Military Affairs shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Adjutant General as head of the Department of Military Affairs.

(3) All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Public Health for the activities transferred to the Department of Military Affairs by this Order have been transferred to the Department of Military Affairs.

(4) The Department of Military Affairs has made internal organizational changes as have been administratively necessary to complete the realignment of responsibilities prescribed by Executive Reorganization Order No. 1991-7 and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(5) The heads of the Departments of Public Health and Military Affairs have initiated coordination between their departments to facilitate the transfer and have developed a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations or other obligations to be resolved by the Department of Public Health.

(6) All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

(7) Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding

may be maintained by, against or before the appropriate successor of any entity affected by this Order.

(8) This Executive Order amends and restates Executive Reorganization Order No. 1991-7.

In fulfillment of the requirement of Article V, Section 2 of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order which make substantive changes in Executive Reorganization Order No. 1991-7, being Section (2) of this Executive Order, shall become effective 60 days after filing.

**History:** 1991, E.R.O. 1991-6, Eff. Sept. 1, 1990;—1991, E.R.O. 1991-7, Eff. Sept. 1, 1991;—Am. 1992 E.R.O. No. 1992-1, Eff. May 11, 1992.

**Compiler's note:** Executive Reorganization Order No. 1991-7, issued January 18, 1991, superseded Executive Reorganization Order No. 1991-6, issued January 17, 1991, which contained typographical errors in citations and the effective date of the order.